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CHEVRON CORPORATION and
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAMUEL BERNARD JOHNSON III,

Plaintiff,

v.

CHEVRON CORPORATION, a Delaware
corporation and CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY, a California Corporation and
DOES 1-10,

Defendants.

Case No. C 07-05756 SI

**DEFENDANTS CHEVRON
CORPORATION'S AND CHEVRON
ENVIRONMENTAL MANAGEMENT
COMPANY'S RESPONSE TO
PLAINTIFF'S REQUEST TO SEAL FIRST
AMENDED COMPLAINT**

Courtroom: 10, 19th Floor
Judge: Hon. Susan Illston

Defendants Chevron Corporation and Chevron Environmental Management Company
(collectively "Defendants") hereby submit a brief response to Plaintiff Samuel B. Johnson's
("Plaintiff") request to seal the First Amended Complaint.

A litigant's right to seal records is subject to a stringent showing of "good cause":

Although a litigant may have a property or privacy interest that
requires protection from unnecessary dissemination or disclosure,
the public has an interest in everything that occurs in the case,
whether at trial or during the discovery stage of litigation. To

1 protect the interest of the public, parties seeking to seal documents
2 relating to discovery must demonstrate good cause for such action.
3 Good cause to override the public's interest in the case by sealing a
4 part or the whole of the record of the case **generally does not exist**
5 unless a property or privacy interest of a litigant predominates the
6 case.

7 (*Allen v. Kline* (D.Kan.2007) 2007 WL 3396470 at *1; emphasis added, internal citations
8 omitted.)

9 Here, Plaintiff has placed his medical condition at issue by alleging that Chevron
10 discriminated against him on the very basis and medical condition he now seeks to seal. He
11 voluntarily disclosed such information and relies upon it as the basis of his Americans with
12 Disability Act and California Fair Employment and Housing Act claims. In that sense, he has
13 knowingly disclosed the information by voluntarily injecting it into this public litigation and
14 Court documents. Indeed, Plaintiff has previously filed administrative discrimination charges
15 based on this very same medical condition against Morrison Foerster, in addition to various other
16 administrative complaints filed against additional prior employers.

17 Plaintiff's medical condition is not a collateral matter which may cause the balancing test
18 to tip in favor of sealing the records. Rather, it is a key issue and the subject of Plaintiff's
19 discrimination claim, which he has voluntarily placed at issue. As a result, Plaintiff's privacy
20 interest in the records has been waived and does not predominate over the right to public
21 disclosure. Thus, no "good cause" exists to seal the records.

22 Moreover, given that Plaintiff's medical condition which he seeks to have sealed from
23 disclosure is the very basis of his disability discrimination claim, it is expected that the medical
24 condition will necessarily be referenced in future filings with the Court. As a result, it is likely
25 that Plaintiff will again request, from the Court, that future documents also be sealed, thereby
26 unduly burdening the Court and the parties.

27 Accordingly, Chevron requests that Plaintiff's request to seal the First Amended
28 Complaint be denied.

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2 Dated: August 12, 2008
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Respectfully submitted,

FILICE BROWN EASSA & MCLEOD LLP

4 By: 

5 ROBERT D. EASSA
6 DELIA A. ISVORANU
7 Attorneys for Defendants
8 CHEVRON CORPORATION and
9 CEMC
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